

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS	)	
PENSION FUND, LOCAL 502;	)	
TRUSTEES OF THE CEMENT MASONS	)	
INSTITUTE OF CHICAGO, ILLINOIS;	)	
TRUSTEES OF THE CEMENT MASONS	)	
SAVINGS FUND, LOCAL 502; and	)	
TRUSTEES OF THE CEMENT	)	
MASONS APPRENTICE EDUCATION	)	
AND TRAINING FUND, LOCAL 502,	)	No. 14 C 7623
	)	
and	)	Judge Leinenweber
	)	
TRUSTEES OF THE CEMENT MASONS	)	Magistrate Judge Martin
PENSION FUND, LOCAL 803,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
D&B CONSTRUCTION, L.P., an Illinois Limited	)	
Partnership,	)	
	)	
Defendant.	)	

**MOTION FOR AUDIT AND JUDGMENT**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order as to liability and Judgment in favor of Plaintiffs and against Defendant, D&B CONSTRUCTION, LP.

In support thereof, Plaintiffs state:

1. This case was filed on September 30, 2014.
2. Defendant, D&B CONSTRUCTION, LP was served with Summons and Complaint on October 30, 2014.
3. In excess of 21 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.

4. Per the affidavit of Richard Wolf, Defendant owes for the audit period January 1, 2012 through June 30, 2013 for \$24,712.74 benefits, \$3,706.91 15% liquidated damages, \$9,844.98 liquidated damages and \$855.00 audit costs (10/24/13) and \$190.00 audit cost (revision) for a total amount due of \$39,309.63. (Exhibit A)

5. Per the affidavit of Donald Schwartz, Defendant owes \$1,375.00 in attorney fees and costs. (Exhibit B)

6. Defendant was ordered to submit to an audit for July 1, 2013 through the present.

**WHEREFORE**, Plaintiffs pray for:

1. Defendant to submit to an audit for July 1, 2013 through the present.

2. Judgment be rendered in the amount of \$40,684.63 for the Cement Masons

Pension Fund Local 502, et. al., and against D&B CONSTRUCTION, L.P.

Respectfully submitted,

**TRUSTEES OF THE CEMENT MASONS  
PENSION FUND, LOCAL 502, et. al.**

By: s/ Donald D. Schwartz  
One of their Attorneys

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
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